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PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name Crane Richard J RICHARD W. WICKLISS
 (Last) (First) (Initial) U.S. DISTRICT COURT
 NO. DIST. OF CAL. S.D.

Prisoner Number C-44519Institutional Address Salinas Valley State Prison, A3 #124

P.O. Box 105, Soledad, California 93960-1050

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIARICHARD JOSEPH CRANE,

(Enter the full name of plaintiff in this action.)

vs.

M.S. EVANS, Warden, et al.,Salinas Valley State Prison

(Enter the full name of respondent(s) or jailor in this action)

C08 01813 JF

Case No. _____

(To be provided by the clerk of court)

PETITION FOR A WRIT
OF HABEAS CORPUSRead Comments Carefully Before Filling InWhen and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda
13 County Superior Court, Oakland):

14 Monterey County Superior 240 Church St., Salinas, CA

15 Court

Location

16 (b) Case number, if known HC 5479

17 (c) Date and terms of sentence Denied, admin. habeas corpus

18 (d) Are you now in custody serving this term? (Custody means being in jail, on
19 parole or probation, etc.) Yes X No

20 Where?

21 Name of Institution: Salinas Valley State Prison

22 Address: P.O. Box 1050/31625 Hwy. 101, Soledad, CA 93960

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
25 challenging more than one sentence, you should file a different petition for each sentence.)

26 Murder in Second degree. Petitioner is appealing refusal to provide

27 administrative review of Inmate Appeal concerning Salinas Valley State

28 Prison denying petitioner outdoor exercise for years violating 8th Amend.

3. Did you have any of the following?

Arrestment: Yes X No

Preliminary Hearing: Yes X No

Motion to Suppress: Yes N/A No

4. How did you plead?

Guilty _____ Not Guilty X Nolo Contendere _____

Any other plea (specify) _____

5. If you went to trial, what kind of trial did you have?

Jury _____ Judge alone X Judge alone on a transcript _____

6. Did you testify at your trial? Yes X No

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes X No

(b) Preliminary hearing Yes X No

(c) Time of plea Yes N/A No _____

(d) Trial Yes X No

(e) Sentencing Yes X No

(f) Appeal Yes X No

(g) Other post-conviction proceeding Yes _____ No X

8. Did you appeal your conviction? Yes X No

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes X No _____

Year: 1984 Result: Affirmed

Supreme Court of California Yes x No

Year: 1984 Result: Denied

Any other court Yes X No

Year: 1990 Result: Denied

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes _____ No X

(c) Was there an opinion? Yes X No _____

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes _____ No X

If you did, give the name of the court and the result:

Not applicable

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes X No _____

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: Monterey County Superior Court

Type of Proceeding: Habeas corpus (No. HC 5479.)

Grounds raised (Be brief but specific): (Same as herein stated):

a. PETITIONER WAS DENIED DUE PROCESS BY REFUSAL

b. TO PROCESS ADMINISTRATIVE APPEAL; RESPONDENT

c. IS CREATING A FAILURE TO EXHAUST DEFENSE TO

d. DENY ACCESS TO THE COURT (See attached):

Result: Denied Date of Result: 10/16/06

II. Name of Court: Court of Appeal 6th Appellate District

Type of Proceeding: Habeas corpus (No. H031746)

Grounds raised (Be brief but specific): --

a. PETITIONER WAS DENIED DUE PROCESS BY REFUSAL
b. TO PROCESS ADMINISTRATIVE APPEAL; RESPONDENT
c. IS CREATING A FAILURE TO EXHAUST DEFENSE TO
d. DENY ACCESS TO THE COURT (See attached):

Result: Denied Date of Result: 07/30/07

III. Name of Court: California Supreme Court

Type of Proceeding: Habeas corpus No. S155555

Grounds raised (Be brief but specific):

a. PETITIONER WAS DENIED DUE PROCESS BY REFUSAL
b. TO PROCESS ADMINISTRATIVE APPEAL; RESPONDENT
c. IS CREATING A FAILURE TO EXHAUST DEFENSE TO
d. DENY ACCESS TOI THE COURT (See attached):

Result: Denied Date of Result: 09/12/07

IV. Name of Court: U.S. Northern District (No. C-0763-JF)

Type of Proceeding: Civil Rights (42 USC §1983) Pending

Grounds raised (Be brief but specific):

a. VIOLATION OF 8TH AMENDMENT RIGHT TO OUTDOOR
b. EXERCISE CRUEL AND UNUSUAL PUNISHMENT; 14TH
c. AMENDMENT VIOLATION BY SEGREGATED CONFINEMENT
d. DENYING EQUAL ACCESS BY SENSITIVE NEEDS INMATE

Result: Pending Date of Result: Pending

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

Yes X No

Name and location of court: Eleven pending court cases

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: DENYING DUE PROCESS BY REFUSING TO PROCESS ADMINISTRATIVE
6 APPEAL CONTESTING DENIAL OF ADEQUATE OUTDOOR EXERCISE 6TH, 14TH AMEND.

7 Supporting Facts: August 28, 2006, Appeal Officers T. Variz and E. Medina
8 procedurally barred petitioner's CDC 602 Inmate Appeal based on a
9 fabricated ruse to deny petitioner Due Process and Access to Court.
10 10/16/06, Superior Court denied habeas for failure to exhaust.

11 Claim Two: APPEAL COORDINATOR'S ARE CREATING A PROCEDURAL BAR TO CREATE
12 A DEFENSE OF FAILURE TO EXHAUST, FOR M.S. EVANS, WARDEN, ON §1983

13 Supporting Facts: Following 10/16/06, denial by Superior Court petitioner
14 filed a new CDC 602 on December 15, 2006, but it was again screened
15 out by the Appeals Coordinator's. On June 15, 2007, they rejected
16 another appeal of denial of outdoor exercise violating 8th Amendment.

17 Claim Three: _____

18 _____
19 Supporting Facts: _____
20 _____
21 _____
22 _____

23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:

25 Not applicable
26 _____
27 _____
28 _____

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 Miller v. Norris, 247 F.3d 736, 740 (8th Cir. 2001); Mitchell v. Horn, 318
5 F.3d 523, 529; Honig v. Doe, 484 U.S. 305, 326-27 (1988); Bounds v. Smith,
6 430 U.S. 817; Johnson v. Avery, 393 U.S. 483; Camp v. Brennan, 219 F.3d 279

7 Do you have an attorney for this petition? Yes _____ No x

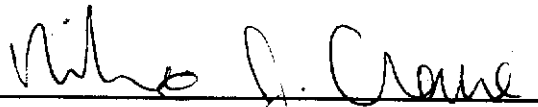
8 If you do, give the name and address of your attorney:

9 Not applicable

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on February 05, 2008

14 Date


Signature of Petitioner

15
16
17
18
19
20 (Rev. 6/02)

EXHIBIT A

S155555

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re RICHARD JOSEPH CRANE on Habeas Corpus

The petition for writ of habeas corpus is denied.

SUPREME COURT
FILED

SEP 1 2 2007

Frederick K. Ohlrich Clerk

Deputy

GEORGE

Chief Justice

Richard J. Crane, #C-44519
SALINAS VALLEY STATE PRISON
Fac. 'A' Bldg.#3, cell #124
P.O. BOX 1050
SOLEDAD
CALIF. 93960-1050



MAIL ONLY

STATE PRISON
GENERATED MAIL